

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Thomas C. Holman  
Bankruptcy Judge  
Sacramento, California

**November 13, 2013 at 9:30 A.M.**

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1.     [12-28102](#)-B-7     RALPH/SUZANNE EMERSON                     CONTINUED STATUS CONFERENCE RE:  
      [13-2176](#)                     AMENDED COMPLAINT  
      EMERSON ET AL V. EMOVATIONS                     6-7-13 [[5](#)]  
      INCORPORATED

**Disposition Without Oral Argument:** Oral argument will not aid the court in rendering a decision on this matter.

The status conference is removed from the calendar. This status conference appears in error on this calendar. A status conference will be held in this adversary proceeding on December 18, 2013, at 9:30 a.m., pursuant to the court's order entered October 18, 2013 (Dkt. 38).

2.     [13-23535](#)-B-7     JOHN LEE                                     CONTINUED STATUS CONFERENCE RE:  
      [13-2205](#)                     COMPLAINT  
      AMERICAN EXPRESS BANK, FSB V.                     6-20-13 [[1](#)]  
      LEE

**Disposition Without Oral Argument:** Oral argument will not aid the court in rendering a decision on this matter.

The status conference is removed from the calendar, as resolved by judgment signed by the court November 12, 2013, pursuant to the approved stipulation of the parties.

3.     [12-29353](#)-B-11     DANIEL EDSTROM                     CONTINUED STATUS CONFERENCE RE:  
      [13-2132](#)                     COMPLAINT  
      EDSTROM V. AUBURN LAKE TRAILS                     4-18-13 [[1](#)]  
      PROPERTY OWNERS ASSOCIATION ET

**Disposition Without Oral Argument:** Oral argument will not aid the court in rendering a decision on this matter.

The status conference is continued to December 18, 2013, at 9:30 a.m. for

resolution of the motions to dismiss taken under submission on October 29, 2013.

The court will issue a minute order.

4. [11-46760](#)-B-7 BRIAN/RANDI THIEL CONTINUED STATUS CONFERENCE RE:  
[12-2018](#) AMENDED COMPLAINT  
FARM CREDIT WEST, PCA V. THIEL 8-28-12 [[50](#)]  
ET AL

**Tentative Ruling:** The status conference is continued to December 18, 2013, at 9:30 a.m. All parties appearing in the adversary proceeding shall file and serve status conference statements on or before December 11, 2013, at 9:30 a.m.

The court will issue a minute order.

5. [12-37961](#)-B-11 ZF IN LIQUIDATION, LLC STATUS CONFERENCE RE: COMPLAINT  
[13-2256](#) 8-15-13 [[1](#)]  
ZF IN LIQUIDATION, LLC V.  
IDAHO AVENUE LAND COMPANY ET

**Tentative Ruling:** The status conference is continued to January 29, 2014, at 9:30 a.m., for resolution of a pending motion to dismiss set for hearing on December 17, 2013 and a pending motion for entry of default judgment set for hearing on November 26, 2013. If the adversary proceeding is not resolved by December 31, 2013, the parties appearing in this action shall comply with the court's Order to Confer on Initial Disclosures and Setting Deadlines (Dkt. 5) (the "OTC") as if the date of the continued status conference were the status conference date set in the original summons (Dkt. 3). Failure to comply with the orders herein or with the OTC may result in the imposition of sanctions under Fed. R. Bankr. P. 7016, incorporating Fed. R. Civ. P. 16(f). Such sanctions may include any of the sanctions listed in F.R.Civ.P. 37(b)(2)(A)(ii)-(vii), including dismissal of the action for plaintiff's failure to comply or striking defendant's answer and entering defendant's default for defendant's failure to comply.

In addition, the parties shall be prepared to discuss at the status conference the stipulations for entry of judgment against defendants GFC, LLC and Dansk Investment Group were filed on October 28, 2013 (Dkt. 24, 25), along with proposed judgments. If the court approves the stipulations, judgment against GFC, LLC ("GFC") and Dansk Investment Group ("Dansk") will not be entered in the adversary proceeding until all claims for relief against those parties are resolved. The stipulations do not provide for resolution of the third and fourth claims for relief alleged in the complaint against GFC and Dansk. Further, with respect to stipulations for entry of judgment in adversary proceedings, this department requires the submission of a separate order which states that the stipulation is "approved and binding between the parties thereto"

before it will sign any judgment consistent with the stipulation. The plaintiff has not yet filed such an order for each stipulation.

The court will issue a minute order.

6. [13-27271](#)-B-7 DEANDRA JACKSON STATUS CONFERENCE RE: COMPLAINT  
[13-2285](#) 9-5-13 [[1](#)]  
FLORES V. JACKSON

**Tentative Ruling:** None.

7. [09-46575](#)-B-13 ROMAN BANAKH CONTINUED STATUS CONFERENCE RE:  
[13-2106](#) COMPLAINT  
BANAKH V. BANK OF AMERICA, 3-26-13 [[1](#)]  
N.A.

**Tentative Ruling:** The adversary proceeding is dismissed.

The adversary proceeding is dismissed pursuant to Bankruptcy Rule 7041, incorporating F.R.Civ.P. 41(b), for failure to prosecute and failure to obey the order of the court (Dkt. 29) continuing this status conference and requiring the parties to comply with the Order to Confer on Initial Disclosures and Setting Deadlines (Dkt. 5) (the "OTC") if the adversary proceeding was not resolved by October 15, 2013. Since the continuance of the status conference, there is no evidence on the court's docket that the adversary proceeding has been resolved or that the parties have complied with the OTC. In fact, there is no evidence of prosecution of the adversary proceeding at all.

The court will issue a minute order.

8. [05-29283](#)-B-7 SHERRY HARTMAN CONTINUED STATUS CONFERENCE RE:  
[11-2700](#) COMPLAINT  
HARTMAN ET AL V. RIGAMONTI ET 11-1-11 [[1](#)]  
AL

**Tentative Ruling:** The status conference is continued to March 26, 2014, at 9:30 a.m. Both parties shall file and serve status reports on or before March 19, 2014. The parties are permitted to file a joint status report.

The court will issue a minute order.

9. [12-40985](#)-B-7 TIFFANY MARTELL CONTINUED STATUS CONFERENCE RE:  
[13-2075](#) COMPLAINT  
WELTY ET AL V. MARTELL 2-28-13 [[1](#)]

**Tentative Ruling:** The status conference is removed from the calendar. On November 12, 2013, the court signed an order approving the stipulation for entry of judgment filed by the parties on October 24, 2013 (Dkt. 23) and a judgment consistent with the terms of the stipulation. The adversary proceeding is resolved.

10. [12-40985](#)-B-7 TIFFANY MARTELL ORDER TO SHOW CAUSE RE  
[13-2075](#) SANCTIONS  
WELTY ET AL V. MARTELL 10-16-13 [[20](#)]

**Tentative Ruling:** The order to show cause is discharged. No monetary sanctions are imposed.

The court will issue a minute order.

11. [13-30690](#)-B-11 WILLIAM PRIOR STATUS CONFERENCE RE: NOTICE OF  
[13-2288](#) REMOVAL  
PRIOR V. TRI COUNTIES BANK ET AL 8-27-13 [[1](#)]

**Disposition Without Oral Argument:** Oral argument will not aid the court in rendering a decision on this matter.

The status conference is continued to December 18, 2013, at 9:30 a.m., for resolution of the motion to withdraw the reference in this adversary proceeding to the United States District Court, currently set for hearing in the District Court on December 5, 2013, at 2:00 p.m.

The court will issue a minute order.

12. [12-36999](#)-B-7 VIVIAN LILY CONTINUED STATUS CONFERENCE RE:  
[12-2717](#) AMENDED COMPLAINT  
OLICK V. LILY 6-4-13 [[58](#)]

**Disposition Without Oral Argument:** The status conference is continued to December 18, 2013, at 9:30 a.m. for resolution of a motion to dismiss that was taken under submission on August 6, 2013. The court will issue a disposition of the motion to dismiss on or before December 6, 2013.